

DOCKET NO. DBD FA-05-4000000S : SUPERIOR COURT
HOWARD GAVELL : JUDICIAL DISTRICT OF DANBURY
V. : AT DANBURY
MONA GAVELL : DECEMBER ___, 2010

MOTION FOR PROTECTIVE ORDER, PENDENTE LITE

The Attorney for the Minor Children prays this Court to enter a protective order, and in support thereof, respectfully represents:

1. On November 25, 2010, the Defendant caused a subpoena duces tecum to be served upon the minor children's therapist, DR. MARY FREUD, and summoned her to be deposed at 4:00 p.m. on December 3, 2010. Said subpoena further requires her to bring records relating to the children's psychological treatment. A copy of the notice of depostion is attached.

2. The minor children anticipate that the defendant intends to inquire into matters which are privileged and confidential within the definitions of Conn. Gen. Stat. 52-146c, and the disclosure of which would be embarrassing and oppressive to the minor children and detrimental to their best interest. An affidavit by Dr. Freud is attached in support of this motion.

WHEREFORE, pursuant to P.B. section 13-5, the minor children request that the Court order one or any combination of the following orders:

- (a) That the deposition of DR. MARY FREUD not be had;
- (b) That confidential communications within the definition of Conn. Gen. Stat. 52-146c not be inquired into and the notes and records of the deponent not be required to be produced for inspection;

- (c) That the deposition, if had, be sealed and opened only by order of the court.

THE MINOR CHILDREN

by: _____
Sharon Wicks Dornfeld,
their attorney

AFFIDAVIT

The affiant, MARY FREUD, Ph.D., hereby deposes and says:

1. I am above the age of 18 years and believe in the obligation of an oath.
2. I have personal knowledge of the facts contained herein.
3. I am a psychologist licensed to practice in the State of Connecticut and am associated with the Danbury Hospital Mental Health Clinic.
4. In May, 2009, the parties engaged me to provide psychological diagnosis and treatment for their children, and I have done so since that time.
5. At our first meeting, I discussed the importance of confidentiality in my relationship to my patients, the children, and Mr. and Mrs. Gavell agreed that they would do nothing to jeopardize that relationship or my neutrality.
6. Communications between the children and myself have been made with the expectation of confidentiality, and if I were required to disclose those communications or otherwise appear to have taken sides between their parents, it would likely destroy the therapeutic relationship I have established with the children.
7. All three children are in need of ongoing therapy relating to the stress of their parents' divorce.
8. There is a substantial risk that my testimony or the disclosure of the children's records would be harmful to the children.

THE AFFIANT,

MARY FREUD, Ph.D.

ORDER

The foregoing Motion having been heard it is hereby

ORDERED:

GRANTED, and

_____ (a) That the deposition of DR. MARY FREUD not be had;

_____ (b) That communications within the definition of Conn. Gen. Stat. 52-146c not be inquired into and the notes and records of the deponent not be required to be produced for inspection;

_____ (c) That the deposition, if had, be sealed and opened only by order of the court.

DENIED

Dated at Danbury, Connecticut, this _____ day of December, 2010.

THE COURT

BY: _____
(_____, J./Asst.Clerk)

CERTIFICATION

This is to certify that a copy of the foregoing has been hand-delivered, electronically transmitted, or mailed, postage prepaid, to all counsel of record and *pro se* parties this ____th day of December, 2010, namely:

Sharon Wicks Dornfeld
Commissioner of the Superior Court